

GOOD LAW, P.C.

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

NIMBUS BREWING COMPANY, LLC,

Debtor.

) Case No.: 4:12-bk-08122-EWH

) **LOGIN, INC.'S OBJECTION TO DEBTOR'S
DISCLOSURE STATEMENT AND JOINDER
TO U.S. TRUSTEE'S MOTION TO
CONVERT OR DISMISS**

) (Chapter 11)

Creditor, Login, Inc. ("Login"), objects to the Debtor's Disclosure Statement for its First Plan of Reorganization Dated December 18, 2012 [Docket No. 75].

I. Objection to Section 2.1.

Section 2.1 of the Disclosure Statement attributes the bankruptcy filing exclusively to the Southwest Gas issues. No disclosure is made regarding any other contributing factor. Because the Southwest Gas issues were promptly resolved, yet the Bankruptcy languishes, it is apparent that other issues may have caused the Bankruptcy. For example, did the Debtor have a contingency plan against a failure of the gas system? Other management or operational issues contributing to the Bankruptcy filings should be disclosed.

II. Objection to Sections 2.4 and 2.8.

No information whatsoever has been provided regarding the nature of the claims listed in Section 2.4, timeframe, or likelihood of success. The same objection applies to Section 2.8.

1 **III. Objection to Section 2.5.**

2 This conclusory and self-serving disclosure is inadequate. Section 2.1 goes to great
3 lengths to establish the national reputation and success of the enterprise. Section 2.3 boasts of
4 interstate expansion. The company reports profits and growth. Yet no valuation of the company
5 is disclosed as an ongoing concern. No values are disclosed for intellectual property or goodwill.
6 Based the articulated exciting prospects of the company, it would appear that the company could
7 be sold as a going concern and the unsecured creditors in Class 12 would receive their entire
8 claims instead of the proposed 50%.

10 **IV. Objection to Section 4.16.**

11 Section 4.16 reports no need for additional capital as all allowed claims would be paid in
12 full. However, Class 12 creditors are only offered 50% of their allowed claims at 3% over 60
13 months. In light of this impairment to Class 12, Section 4.16 should disclose the need for new
14 capital.

15 **V. Joinder in Trustee's Motion to Convert or Dismiss.**

16 In light of the company's rehabilitation, current profits as set forth in the Monthly
17 Operating Reports, anticipated future expansion, and expectations of additional revenues as set
18 forth in Sections 2.3, 2.4 and 2.6 of the Disclosure Statement, it would appear that the policies
19 underlying the use of the United States Bankruptcy Courts no longer apply to this Debtor. The
20 rehabilitation is complete. The Debtor can and should operate now without the protection of the
21 Court.

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1 DATED this 6th day of August, 2013.

2 **GOOD LAW, P.C.**

3
4 /s/ Gregory E. Good
5 Gregory E. Good
6 Attorney for Creditor Login, Inc.

7 Original of the foregoing filed electronically
8 this 6th day of August, 2013 with:

9 United States Bankruptcy Court
10 Tucson Division
11 38 South Scott Avenue
12 Tucson, AZ 85701

13 Copy of the foregoing mailed
14 this 6th day of August, 2013 to:

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